

From: "Mednick, Richard" <Mednick.Richard@epa.gov>
To: jeffrey.t.matson@usace.army.mil
CC: "Wright, Ann L CIV USARMY CEHQ (USA)" <Ann.L.Wright@usace.army.mil>
Date: 4/4/2022 6:28:07 AM
Subject: RE: Bradford Island

Jeff,

Thank you for the heads up on this matter. I have let EPA officials know of this USACE preference regarding regular technical meetings. We will be ready to talk about this matter with USACE and the Yakima Nation tomorrow.

BTW, travel over Snoqualmie Pass looks rough today due to snow and wind so three of us may not make the drive. Director Terada and Kira Lynch, Remedial Program Manager, are flying to Toppenish so they will not be affected by the road conditions. For the three of us who may not attend in person, there will hopefully be an opportunity to participate virtually.

Richard

Richard Mednick
Associate Regional Counsel
Regional Judicial Officer
U.S. EPA I Region 10
1200 Sixth Avenue
Suite 155, M/S 11 C07
Seattle, WA 98101
(206) 553-1797

From: Matson, Jeffrey T CIV USARMY CENWP (USA) <Jeffrey.T.Matson@usace.army.mil>
Sent: Wednesday, March 30, 2022 6:44 PM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: Wright, Ann L CIV USARMY CEHQ (USA) <Ann.L.Wright@usace.army.mil>
Subject: RE: Bradford Island

Richard,

Thanks for taking time to participate in the G2G prep meeting with USACE Portland District.

Regarding our discussion of the Tribe's request to engage in "regular technical meetings" with USACE and EPA, I want to make sure we don't catch you off-guard with the USACE position during the G2G meeting. Ann and I've spoken at length with staff and, outside of the G2G consultation context, we cannot support USACE excluding the public from meetings with Tribes.

USACE will always make itself available to engage in consultation, to discuss any potentially affected tribal rights or protected resources, but regular meetings with Tribes must be open to the public and should be an outgrowth of community involvement (or any CAG that is established). I wanted to write you directly in the event you feel differently or this position conflicts with positions EPA R10 has taken in Portland Harbor or at other NPL sites.

If you have any questions regarding USACE's position, I can make myself available for a call to discuss further, prior to the G2G.

Thank you, and see you in Toppenish,

Jeff
Jeffrey Matson
Assistant District Counsel
U.S. Army Corps of Engineers, Portland District
(503) 808-4522

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From: Mednick, Richard <Mednick.Richard@epa.gov>
Sent: Friday, February 11, 2022 5:28 PM
To: Matson, Jeffrey T CIV USARMY CENWP (USA) <Jeffrey.T.Matson@usace.army.mil>
Cc: Wright, Ann L CIV USARMY CEHQ (USA) <Ann.L.Wright@usace.army.mil>
Subject: [Non-DoD Source] RE: Bradford Island

Jeff, thank you for the introduction.

Ann, I look forward to working with you.

I anticipate it will be a few more weeks of preparation and review before I will have a draft proposed FFA to share with you. I am planning to incorporate the information that you sent to me, Jeff, for the findings of fact section.

I hope that you both have a nice weekend and will plan to communicate with both of you on Bradford Island matters from here on out.

Take care,

Richard

[Richard Mednick](#)
[Associate Regional Counsel](#)
[Regional Judicial Officer](#)
[U.S. EPA I Region 10](#)
[1200 Sixth Avenue](#)
[Suite 155, M/S 11 C07](#)
[Seattle, WA 98101](#)
[\(206\) 553-1797](#)

From: Matson, Jeffrey T CIV USARMY CENWP (USA) <Jeffrey.T.Matson@usace.army.mil>
Sent: Friday, February 11, 2022 2:51 PM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Cc: Wright, Ann L CIV USARMY CEHQ (USA) <Ann.L.Wright@usace.army.mil>
Subject: RE: Bradford Island

Richard,

I hope you had a great week.

I'm writing to introduce you to my teammate at HQ, Ann Wright. Ann will be leading the FFA negotiation on the part of USACE/DA.

If you wouldn't mind including Ann on any FFA correspondence, I'd appreciate it.

Best,
Jeff

Jeffrey Matson
Assistant District Counsel
U.S. Army Corps of Engineers, Portland District
(503) 808-4522

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From: Matson, Jeffrey T CIV USARMY CENWP (USA)
Sent: Friday, February 04, 2022 5:19 PM
To: Mednick, Richard <Mednick.Richard@epa.gov>
Subject: RE: Bradford Island

Hi, Richard.

Thanks for your email, and I apologize for taking so long to respond. I hope you are staying healthy amidst this Omicron wave.

Yes, that's my understanding too—that we should use the Fort Eustis FFA as the model for any Bradford Island FFA.

I don't have any specific provisions for the Findings of Fact section at this time, but I did attach a site summary of sorts, with excerpts from the Revised Upland Feasibility Study (2022), Baseline Human Health and Ecological Risk Assessments (2016), and Remedial Investigation (2012) for EPA's use. USACE would appreciate the opportunity to review any draft provisions to verify the accuracy of the info.

Thank you for letting me know about the likely parties to the FFA. USACE also anticipates EPA and Oregon as the other parties to the agreement. I don't think USACE sees a basis for Tribes to be parties to an FFA, so its preference would be to limit party status to states and EPA. As to Washington, I don't think USACE has a strong opinion on its status. However, considering that USACE does not anticipate significant active remediation occurring within that State, perhaps USACE's preference would be to not have Washington a party. If you learn that Washington is interested in being a party, would you please let me know?

As to geographic makeup of the site, the river operable unit (OU) extends into Washington. It appears that the Oregon-Washington border fairly splits the channel between Cascades Island and Bradford Island, upstream of the forebay. I also understand that the river OU includes all of the forebay and possibly extends to the Washington shoreline. However, based on the team's understanding of areas that reasonably would have received contamination, we don't anticipate much, if any, active remediation occurring within Washington. For example, it's possible that areas of the Columbia River bed in Washington that exceed remedial action levels might best be remediated through monitored natural recovery, or other passive means. Of course, without proceeding through an evaluation of remedial alternatives for this OU, these are just our best guesses at this time.

Please let me know if you have any questions, and I too look forward to seeing you in Toppenish,
Jeff

Jeffrey Matson
Assistant District Counsel
U.S. Army Corps of Engineers, Portland District
(503) 808-4522

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From: Mednick, Richard <Mednick.Richard@epa.gov>
Sent: Tuesday, February 01, 2022 5:56 AM
To: Matson, Jeffrey T CIV USARMY CENWP (USA) <Jeffrey.T.Matson@usace.army.mil>
Subject: [Non-DoD Source] Bradford Island

Hello Jeff,

In anticipation of Bradford Island being placed on the Superfund National Priorities List, I have been asked to prepare a draft federal facility agreement. As I understand it, for agreements between EPA and the Department of Defense the model template is based on an Army site named Fort Eustis. I am attaching the Fort Eustis federal facility agreement so that you can see the terms that EPA and the Army worked out for that matter. I have been preparing the Bradford Island draft agreement based on the Fort Eustis model.

I will create a facts section for the Bradford Island agreement, but if you have provisions which you would like to see included in that section, please let me know. I am also preparing the Bradford Island agreement with the idea that the State of Oregon, but not the State of Washington or any Tribes, will be a party along with EPA and USACE. We are checking with the states to see if this approach is what they each have in mind. Please let me know if USACE has a preference about the parties to the agreement.

Lastly, on the issue of State's jurisdiction over the Bradford Island site including the upland and sediments units, would you let me know the current understanding regarding the geographic makeup of the site? I believe I asked you before about whether the site has areas both within Oregon and Washington, but I am hoping you could remind me about that geographic split. If there is such a division, it would likely make a difference for some of the agreement provisions including ARARs considerations.

I hope you are well and look forward to meeting you in Toppenish.

Thank you,

Richard

[Richard Mednick](#)
[Associate Regional Counsel](#)
[Regional Judicial Officer](#)
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[1200 Sixth Avenue](#)
[Suite 155, M/S 11 C07](#)
[Seattle, WA 98101](#)
[\(206\) 553-1797](#)